

AUDITOR'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MADISON)

I, Kathy Stoops-Wright, duly elected, qualified and acting Auditor of aforesaid County and State do hereby certify that the attached record is a true and complete copy of the minutes of the special meeting of the Madison County Council held on April 14, 2009.

Dated at Anderson Indiana this 14th day of April, 2009.

S/Kathy Stoops-Wright
Madison County Auditor

**MINUTES OF THE MADISON
COUNTY COUNCIL**

The Madison County Council met in special session on April 14, 2009, with the following members present:

Buddy Patterson
John Bostic, Jr.
Larry Crenshaw
Gary Gustin
Mike Phipps
Bill Savage
Larry Higgins

Also present were County Auditor Kathy Stoops-Wright and first deputy Auditor Patty Mauck.

The Auditor presented to the County Council an Ordinance entitled "An Ordinance Appropriating Money in the in the Rainy Day Fund, CJC/CPTF 2006, County Wheel Tax/Surtax Fund, WIC Program.

COUNTY EMERGENCY APPROPRIATION NUMBER 4A

WHEREAS, certain conditions have developed since the adoption of the existing annual budget that is necessary to appropriate more money than was appropriated in the annual budget for the various functions of the County Government to meet such extraordinary emergencies.

SECTION I. Be it ordained by the Madison County Council of Madison County, Indiana for the expenses of the County Government and its institutions for the year ending December 2009, the following sums of money are hereby appropriated and set out of the several funds herein specified, subject to the laws governing the same, such sums appropriated shall be held to include all expenditures to be made during the year.

SECTION II. That for the fiscal period there is appropriated out of the various funds thereafter named; the following specified amount to be transferred or new money to meet such extraordinary emergencies, which are declared to exist.

April 14, 2009

NEW MONEY

Amount Amount
Requested Allowed

RAINY DAY FUND

390-000 Other Services and Charges \$16,782.14

CJC/CPTF 2006

114-000 Community Supervision Assist \$2,500.00
160-161 FICA \$200.00
160-163 Group Insurance \$300.00

COUNTY WHEEL TAX/SURTAX FUND

300-300 2009 ARRA Stimulus \$60,000.00
300-301 2009 Paving \$500,000.00
300-302 2009 Road Materials \$500,000.00
300-303 CR 800 North \$100,000.00

WIC PROGRAM

121-000 Clerk \$2,233.00
134-000 Clerk \$17,064.00
160-161 FICA \$1,476.00
160-162 PERF \$1,833.00
160-163 Group Insurance \$13,914.00

ORDINANCE NO 4A was presented to the Madison County Council and read in full this 14th day of April, 2009.

S/William Savage
President County Council

ATTEST:

S/Kathy Stoops-Wright
Madison County Auditor

ORDINANCE NO 4A was presented to the Madison County Council read and adopted this 14th day of April, 2009 by the following Aye or Nay vote:

AYE

NAY

S/Larry Higgins

S/Buddy Patterson

S/John Bostic, Jr

S/Gary Gustin

S/Larry Crenshaw

S/Mike Phipps

ATTEST:

S/Kathy Stoops-Wright
Madison County Auditor

The Auditor was directed to present the above emergency appropriations to the State Board of Tax Commissioners for approval as provided by law.

S/William Savage
President County Council

AUDITOR'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MADISON)

I, Kathy Stoops-Wright, duly elected, qualified and acting Auditor of aforesaid County and State do hereby certify that the attached record is a true and complete copy of the minutes of the special meeting of the Madison County Council held on April 14, 2009.

Dated at Anderson, Indiana this 14th day of April, 2009.

S/Kathy Stoops-Wright
Madison County Auditor

**MINUTES OF THE MADISON
COUNTY COUNCIL**

The Madison County Council met in special session on April 14, 2009 with the following members present:

Buddy Patterson
John Bostic, Jr.
Larry Crenshaw
Gary Gustin
Mike Phipps
Bill Savage
Larry Higgins

Also present were County Auditor Kathy Stoops-Wright and first deputy Auditor Patty Mauck.

The Auditor presented to the County Council an Ordinance entitled "An Ordinance Transferring Money from the Prosecutor Pretrial Diversion, WIC Program and the General Fund.

COUNTY EMERGENCY APPROPRIATION NUMBER 4B

WHEREAS, certain conditions have developed since the adoption of the existing annual budget that is necessary to transfer more money than was appropriated.

SECTION I. Be it ordained by the Madison County Council of Madison County, Indiana for the expenses of the County Government and its institutions for the year ending December 2009, the following sums of money are hereby transferred.

April 14, 2009

TRANSFERS

Amount Amount
Requested Allowed

COUNTY GENERAL FUND

Unified Courts

169-000 Sick Pay	\$6,100.00
Transfer from 320-000 Comm and Transportation	(3,050.00)
Transfer from 390-000 Other Services and Charges	(3,050.00)

County Agent

370-000 Rentals	\$100.00
Transfer from 230-000 Repair and Maint. Supplies	(100.00)

PROSECUTOR PRETRIAL DIVERSION

150-000 Part time	\$10,000.00
Transfer from 122-000 Supp Trial Deputy	(5,000.00)
Transfer from 123-000 Supp Trial Deputy	(5,000.00)

HEALTH DEPARTMENT

WIC Program

169-000 Sick Pay	\$16,921.00
Transfer from 113-000 Nutritionist	(16,921.00)

ORDINANCE NO. 4B was presented to the Madison County Council and read in full this 14th day of April, 2009.

S/William Savage
President County Council

ATTEST:

S/Kathy Stoops-Wright
Madison County Auditor

ORDINANCE NO. 4B was presented to the Madison County Council read and adopted this 14th day of April, 2009 by the following Aye or Nay vote:

AYE

NAY

S/Larry Higgins

S/Buddy Patterson

S/John Bostic, Jr

S/Gary Gustin

S/Larry Crenshaw

S/Mike Phipps

ATTEST:

S/Kathy Stoops-Wright
Madison County Auditor

The Auditor was directed to present the above emergency appropriations to the State Board of Tax Commissioners for approval as provided by law.

S/William Savage
President County Council

MADISON COUNTY COUNCIL MINUTES

April 14, 2009

The Madison County Council was called to order by President William Savage. The following Council Members were present:

John Bostic, Jr
Larry Crenshaw
Larry Higgins
Gary Gustin
Buddy Patterson
Mike Phipps

Also present were County Auditor Kathy Stoops-Wright, First Deputy Auditor Patty Mauck and Council Attorney Jim Wilson.

Buddy Patterson made a motion to approve the March 10, 2009 Council minutes. Motion was seconded by Larry Higgins.

7 Ayes 0 Nays Motion carried.

Prosecutor Thomas Broderick requested a transfer within the Prosecutor Pretrial Division Fund in the amount of \$5,000.00 from 122-000 Supplemental Trial Deputy into 150-000 Part time \$4,850.00 to help cover payroll for the rest of the year and into 163-000 Longevity \$150.00 due to a shortage in the appropriation. He withdrew the other \$5,000.00 transfer. Motion to approve transfer as requested by Buddy Patterson and seconded by John Bostic.

7 Ayes 0 Nays Motion carried.

Steve Ford, Health Department, requested a transfer within the WIC Department in the amount of \$16,921.00 from 113-000 Nutritionist into 169-000 Sick Pay to pay out a retiring employee. Motion to approve transfer made by John Bostic and seconded by Buddy Patterson.

7 Ayes 0 Nays Motion carried.

Steve also requested new money within the WIC Department in the following amounts:

121-000 Clerk	\$2,233.00
134-000 Clerk	\$17,064.00
160-161 FICA	\$1,476.00
160-162 PERF	\$1,833.00
160-163 Group Insurance	\$13,914.00

He stated that the WIC grant has granted them more money and an additional clerk. County Auditor stated that this will not be approved by the State until the County gets an approved Budget for 2009 but the Council can direct the Auditor to put it on the books if approved by them. Motion to approve request made by John Bostic and seconded by Buddy Patterson.

7 Ayes 0 Nays Motion carried.

Jim Hunter, Court Administrator, requested a transfer within Unified Courts Department in the amount of \$6,100.00 from 320-000 Communication and Transportation \$3,050.00 and from 390-000 Other Services and Charges \$3,050.00 into 169-000 Sick Pay to pay out an employee that is leaving. The Court Administrator is moving employees around so there will be an opening at the Intake Desk. Motion was made by John Bostic to pass said transfer but not to fill the Intake Desk position until the money is recouped. Motion seconded by Buddy Patterson. After several questions from the Council and statements from Superior Judge Newman, Councilman Bostic made a motion to strike the first motion and to allow the transfer and to allow them to fill the Intake Desk position. Motion seconded by Buddy Patterson.

6 Ayes 1 Nay (Gary) Motion carried.

(The amount needed was a lower amount then requested. The Auditor's office transferred only the amount needed for the payoff which was \$2,354.17 out of 320-000 and 3,050.00 out of 390-000 total being \$5,404.17)

Commissioner Paul Wilson requested new money in the Rainy Day Fund in the amount of \$16,782.14 into 390-000 Other Services and Charges for the second half of the payment for emergency wiring at the jail that was completed in 2008. Motion to approve made by John Bostic and seconded by Larry Crenshaw.

7 Ayes 0 Nays Motion carried.

Also requested was new money in the new County Wheel Tax/Surtax Fund in the following appropriations:

300-300 2009 ARRA Stimulus	\$60,000.00
300-301 2009 Paving	\$500,000.00
300-302 2009 Road Materials	\$500,000.00
300-303 CR 800 North	\$100,000.00

These requests are for projects set for 2009 Wheel Tax/Surtax money. Motion to approve made by Larry Crenshaw and seconded by Mike Phipps.

7 Ayes 0 Nays Motion carried.

April 14, 2009

Dave Surratt, CJC, requested new money in the CJC/CPTF 2006 Fund, in the following amounts: \$2,500.00, 114-000 Community Supervision Assist; \$200.00, 160-161 FICA; \$300.00, 160-163 Group Insurance. This is money they received from County Drug Free Community Fund. Motion to approve made by Buddy Patterson and seconded b Larry Higgins.

7 Ayes 0 Nays Motion carried.

There was no one at the Council meeting to represent the County Agent but the Council passed the transfer request of \$100.00 from 230-000 Repair and Maint Supplies into 370-000 Rentals. Motion to approve made by John Bostic and seconded by Larry Higgins.

7 Ayes 0 Nays Motion carried.

County Attorney, Jerry Shine presented an Ordinance for the County Council's approval. Said Ordinance No. 2009-4D was An Ordinance Authorizing the Council to Borrow Certain Funds for the Reconstruction of The Alonzo Fort Marshall Creason Regulated Drain in the amount of \$596,250.00. The Commissioners took bids and the lowest interest rate of 3.15% fixed for 6 years was Star Financial Bank. The borrowed amount is paid by the taxpayer and can be paid in one lump sum or over a 5 year period. Motion to approve made by John Bostic and seconded by Buddy Patterson.

7 Ayes 0 Nays Motion carried.

ORDINANCE NO. 2009-4D

**ORDINANCE AUTHORIZING THE COUNTY TO
BORROW CERTAIN FUNDS FOR THE RECONSTRUCTION OF
THE ALONZO FORT MARSHALL CREASON REGULATED DRAIN**

WHEREAS, pursuant to *Indiana Code §6-9-24-49*, the Madison County Drainage Board referred the Alonzo Fort Marshall Creason Regulated Drain to Rayl Surveying & Engineering, Inc., contract engineer, for a reconstruction report, whereby it determined and set forth a report on the best and cheapest method of reconstructing said drain; and

WHEREAS, the contract engineer made its investigation into the matter and filed a reconstruction report; and

WHEREAS, notice was mailed to all affected landowners, notifying said owner that the Madison County Drainage Board would conduct a hearing on said construction report; and

WHEREAS, said notice stated that the cost of construction would be Five Hundred Ninety-Six Thousand Two Hundred Fifty Dollars (\$596,250.00); and

WHEREAS, the Madison County Drainage Board did conduct a hearing, and, after hearing all objections and evidence, did determine that the proposed reconstruction would benefit the landowners and that the total amount authorized would be Five Hundred Ninety-Six Thousand Two Hundred Fifty Dollars (\$596,250.00); and

WHEREAS, the Madison County Drainage Board did order that a notice be published in accordance with *Indiana Code §5-3-1*, and that said notice stated that the finding and order of the Board were filed and were available for inspection in the office of the Surveyor; and

WHEREAS, no judicial review of the finding and order of the Board was filed or requested, the findings and order of the Board became conclusive; and

WHEREAS, pursuant to *Indiana Code §36-9-27-97.5*, the Board resolved that the cost of the reconstruction of the drain was in an amount that the owners of land to be assessed therefore could conveniently pay in installments over a five (5) year period; and

WHEREAS, by resolution of the Madison County Drainage Board dated January 14th, 2009, and pursuant to *Indiana Code §36-9-27-97.5*, the Madison County Drainage Board did formally request the Madison County Council to obtain a loan to accomplish the above set forth reconstruction and in accordance with the above set forth reconstruction; and

WHEREAS, the Madison County Drainage Board has determined that the institution with the most advantageous terms on said Note at this particular point in time is Star Financial Bank; and

WHEREAS, pursuant to *Indiana Code §36-2-16-18*, the Madison County Council is authorized by Ordinance to have the County obtain a loan for the Madison County Drainage Board in accordance with the above.

NOW, THEREFORE, BE IT ORDAINED that the Madison County Council hereby authorizes the Madison County Commissioners to obtain a loan from Star Financial Bank in the principal sum of Five Hundred Ninety-Six Thousand Two Hundred Fifty Dollars (\$596,250.00) with the following statutory requirements:

- a. Must have a fixed or variable interest rate;
- b. Must mature within six (6) years after the date it is obtained;
- c. Shall be repaid from installments collected from assessments of landowners over a five (5) year period; and
- d. The proceeds of said loan shall be deposited into the General Drainage Improvement Fund.

BE IT FURTHER ORDAINED that the above recitals are incorporated by reference.

PASSED AND ADOPTED by the Madison County Council, Madison County, Indiana, this 14 day of April, 2009.

MADISON COUNTY COUNCIL

BY: S/William Savage
Presiding Officer

ATTEST:

S/Kathy Stoops-Wright
Madison County Auditor

S/Larry Higgins
Councilman

S/Buddy Patterson
Councilman

S/Gary Gustin
Councilman

S/Larry Crenshaw
Councilman

S/Mike Phipps
Councilman

S/John Bostic Jr
Councilman

PREPARED BY:
Gerald P. Shine, Jr. (#297-48)
Madison County Attorney

Said Ordinance No. 2009-4E was An Ordinance Authorizing the Council to Borrow Certain Funds for the Reconstruction of the Lincoln Smith Regulated Drain in the amount of \$175,000.00. The Commissioners took bids and the lowest interest rate of 3.15% fixed for 6 years was Star Financial Bank. The borrowed amount is paid by the taxpayer and can be paid in one lump sum or over a 5 year period. Motion to approve made by Larry Crenshaw and seconded by Larry Higgins.

7 Ayes 0 Nays Motion carried.

ORDINANCE NO. 2009-4E

**ORDINANCE AUTHORIZING THE COUNTY TO
BORROW CERTAIN FUNDS FOR THE RECONSTRUCTION OF
THE LINCOLN SMITH REGULATED DRAIN**

WHEREAS, pursuant to *Indiana Code §6-9-24-49*, the Madison County Drainage Board referred the Lincoln Smith Regulated Drain to Banning Engineering, contract engineer, for a reconstruction report, whereby it determined and set forth a report on the best and cheapest method of reconstructing said drain; and

WHEREAS, the contract engineer made its investigation into the matter and filed a reconstruction report; and

WHEREAS, notice was mailed to all affected landowners, notifying said owner that the Madison County Drainage Board would conduct a hearing on said construction report; and

WHEREAS, said notice stated that the cost of construction would be One Hundred Seventy-Five Thousand Dollars (\$175,000.00); and

WHEREAS, the Madison County Drainage Board did conduct a hearing, and, after hearing all objections and evidence, did determine that the proposed reconstruction would benefit the landowners and that the total amount authorized would be One Hundred Seventy-Five Thousand Dollars (\$175,000.00); and

WHEREAS, the Madison County Drainage Board did order that a notice be published in accordance with *Indiana Code §5-3-1*, and that said notice stated that the finding and order of the Board were filed and were available for inspection in the office of the Surveyor; and

WHEREAS, no judicial review of the finding and order of the Board was filed or requested, the findings and order of the Board became conclusive; and

WHEREAS, pursuant to *Indiana Code §36-9-27-97.5*, the Board resolved that the cost of the reconstruction of the drain was in an amount that the owners of land to be assessed therefore could conveniently pay in installments over a five (5) year period; and

WHEREAS, by resolution of the Madison County Drainage Board dated February 11th, 2009, and pursuant to *Indiana Code §36-9-27-97.5*, the Madison County Drainage Board did formally request the Madison County Council to obtain a loan to accomplish the above set forth reconstruction and in accordance with the above set forth reconstruction; and

WHEREAS, the Madison County Drainage Board has determined that the institution with the most advantageous terms on said Note at this particular point in time is Star Financial Bank; and

WHEREAS, pursuant to *Indiana Code §36-2-16-18*, the Madison County Council is authorized by Ordinance to have the County obtain a loan for the Madison County Drainage Board in accordance with the above.

NOW, THEREFORE, BE IT ORDAINED that the Madison County Council hereby authorizes the Madison County Commissioners to obtain a loan from Star Financial Bank in the principal sum of One Hundred Seventy-Five Thousand Dollars (\$175,000.00) with the following statutory requirements:

- e. Must have a fixed or variable interest rate;
- f. Must mature within six (6) years after the date it is obtained;
- g. Shall be repaid from installments collected from assessments of landowners over a five (5) year period; and
- h. The proceeds of said loan shall be deposited into the General Drainage Improvement Fund.

BE IT FURTHER ORDAINED that the above recitals are incorporated by reference.

PASSED AND ADOPTED by the Madison County Council, Madison County, Indiana, this 14th of April, 2009.

MADISON COUNTY COUNCIL

BY: S/William Savage
Presiding Officer

ATTEST:

S/Kathy Stoops-Wright
Madison County Auditor

S/Larry Higgins
Councilman

S/Buddy Patterson
Councilman

S/John Bostic
Councilman

S/Gary Gustin
Councilman

S/Larry Crenshaw
Councilman

S/Mike Phipps
Councilman

PREPARED BY:
Gerald P. Shine, Jr. (#297-48)
Madison County Attorney

April 14, 2009

Mr. Shine also presented a request on behalf of Planning Commission Director, Cory Wilson for permission for out of state travel to the American Planners Association Conference in Minneapolis, Minnesota for Certification. Motion to give permission made by John Bostic and seconded by Buddy Patterson.

7 Ayes 0 Nays Motion carried.

Local Attorney, Doug Long, came before the County Council with concerns of the Public Defender Board. He stated that the County reimbursement from the State is in jeopardy if the PD Board doesn't get it together. There has not been any meeting at all this year and the State is asking questions. The Commissioners need to appoint one member and the Judges have two appointments.

Judge Carroll came before the Council asking about a Public Defender Administrative slot. The increase that was given by the Council in the middle of 2008 was lost when the new 2009 budget was approved. Council recommended that the courts turn in a request for new money or transfer at the May meeting to be put on the agenda for their consideration.

Commissioner Paul Wilson presented the 2009 FOP #48 Union contract for the Councils approval. The contract has been ratified by the FOP and approved by the Commissioners at their April 13th special meeting. Motion to approve made by Gary Gustin and seconded by Larry Crenshaw.

7 Ayes 0 Nays Motion carried.

Jerry Bridges, COG, presented Resolution No. 2009-R2, A Resolution Supporting HB 1660. Said Resolution is for support of the funding for transit projects in central Indiana. Motion to approve Resolution made by John Bostic and seconded by Larry Higgins.

7 Ayes 1 Nay (Phipps) Motion carried.

**MADISON COUNTY COUNCIL
MADISON COUNTY, INDIANA
RESOLUTION 2009-R2**

**A RESOLUTION SUPPORTING HB1660
2009 Legislative Session**

WHEREAS, The Indiana House of Representatives have passed HB 1660 which would provide Counties the ability to form Regional Transportation Districts, and at the option of the County Councils, to fund their share of transportation projects within the Regional Transportation Districts; and,

WHEREAS, Madison County is an active member of the Central Indiana Regional Transportation Authority and HB 1660 provides direct funding for transit projects which are needed in central Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE MADISON COUNTY COUNCIL, as follows:

That the Madison County Council Supports HB 1660 and requests the support of and action by the Indiana House of Representatives, the Indiana State Senate, and the Governor of the State of Indiana to assure that HB 1660 is passed and adopted into law.

PASSED AND ADOPTED by the County Council of Madison County, Indiana, this 14th day of April, 2009.

ATTEST:

MADISON COUNTY COUNCIL

S/Kathy Stoops-Wright
Kathy Stoops-Wright, County Auditor

S/William Savage

S/Larry Higgins

S/Buddy Patterson

S/John Bostic

S/Gary Gustin

S/Larry Crenshaw

Jim Wilson, County Attorney, presented a CF1 Form for Owens Brockway Glass in Stony creek Township. The CF1 gives the amount of personal property the business has and the Council must approve it as presented or go out and examine it for themselves and then approve it. They have 3 more years on this abatement. Motion to approve made by John Bostic and seconded by Mike Phipps.

7 Ayes 0 Nays Motion carried.

April 14, 2009

Council appointed Larry Higgins to the Anderson Economic Development Commission Board for a 1 year term. Motion to approve made by Bill Savage and seconded by Gary Gustin.

7 Ayes 0 Nays Motion carried.

The next meeting was scheduled for May 12, 2009 at 4:00 p.m.

There being no further business the meeting was adjourned.